

NOTICE OF OBJECTION TO CONFIRMATION

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE") has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054

MARIE-ANN GREENBERG, Trustee  
30 TWO BRIDGES ROAD, SUITE 330  
FAIRFIELD, NJ 07004

2. Attend the hearing scheduled to be held on 08/17/2017 in the NEWARK Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: August 11, 2017

/s/ James P. Shay  
James P. Shay, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054

Tel: 856-813-5500 Ext. 41326

Fax: 856-813-5501

Email: [james.shay@phelanhallinan.com](mailto:james.shay@phelanhallinan.com)

**File No. 794669**

Phelan Hallinan Diamond & Jones, PC

400 Fellowship Road

Mt. Laurel, NJ 08054

856-813-5500

FAX Number 856-813-5501

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE")

In Re:

RAFAEL BONILLA

Debtor

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

Chapter 13

Case No. 17-21241 - VFP

Hearing Date: 08/17/2017

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), the holder of a Mortgage on debtor residence located at 6033 BUCHANAN PLACE, WEST NEW YORK, NJ 07093-2809 hereby objects to the Confirmation of the debtor proposed Chapter 13 Plan on the following grounds:

1. Movant is in the process of drafting and filing a Proof of Claim. The approximate arrears are \$185,342.58.
2. Debtor's Plan currently provides for payment to Movant in the amount of \$0.00.
3. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5). Movant objects to Debtor's Plan as it is underfunded. Debtor's Plan should be amended to fully fund the arrears owed to Movant. Confirmation of Debtor's proposed Plan should be denied.
4. Debtor's Plan provides for the Debtor's pursuit of a loan modification. Debtor's Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
5. Additionally, Debtor's Plan fails to provide for the full monthly post-petition payment owed to Movant under the terms of the Note and Mortgage. Movant objects to any post-petition

payment amount less than 100% of what is required. Accordingly, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE") respectfully requests that the Confirmation of Debtor Plan be denied.

/s/ James P. Shay  
James P. Shay, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 41326  
Fax: 856-813-5501  
Email: james.shay@phelanhallinan.com

Dated: August 11, 2017

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

794669  
PHELAN HALLINAN DIAMOND & JONES, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
856-813-5500  
Attorneys for FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE")

In Re:

RAFAEL BONILLA

Case No: 17-21241 - VFP

Hearing Date: \_\_\_\_\_

Judge: Vincent F. Papalia

Chapter: 13

**CERTIFICATION OF SERVICE**

1. I, Kimberly Wilson:

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE") in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On August 11, 2017 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: August 11, 2017

/s/ Kimberly Wilson  
Kimberly Wilson

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
RAFAEL BONILLA 414 PARK AVE FARIVIEW, NJ 07022	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
RAFAEL BONILLA 414 PARK AVE FARIVIEW, NJ 07022	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
MARIE-ANN GREENBERG, Trustee 30 TWO BRIDGES ROAD, SUITE 330 FAIRFIELD, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.